

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 19, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BILLY EDWARD TOYCEN,

Plaintiff,

v.

YAKIMA COUNTY SUPERIOR
COURT,

Defendant.

No. 1:22-cv-03020-SMJ

**ORDER DISMISSING ACTION
FOR FAILURE TO COMPLY
WITH FILING FEE AND *IN
FORMA PAUPERIS*
REQUIREMENTS**

By Order filed March 24, 2022, the Court directed Plaintiff Billy Edward Toycen to show cause within thirty (30) days why his current application to proceed *in forma pauperis* should be granted under the provision of 28 U.S.C. § 1915(g). ECF No. 7 at 1–4. The Court also directed Plaintiff, if he was no longer a prisoner, to complete and file the new Application to Proceed in District Court Without Prepaying Fees or Costs provided with this Order as required by 28 U.S.C. § 1915(a)(1) or to pay the \$402.00 filing fee (\$350.00 filing fee + \$52.00 administrative fee) for this action.

This Order was sent to Plaintiff at the address he provided on Hideaway Road in Yakima, Washington, and the deadline for his Response to the Order to Show

1 Cause was extended until May 9, 2022. The Court cautioned Plaintiff that his failure
2 to comply with the Order would result in the dismissal of this case for failure to
3 prosecute. Plaintiff has filed nothing further in this action. The Court must assume
4 he has chosen to abandon this litigation.

5 For the reasons provided here and, in the Court's previous order, this action
6 is dismissed.

7 Accordingly, **IT IS HEREBY ORDERED:**

8 **1.** This action is **DISMISSED WITHOUT PREJUDICE** for failure to
9 comply with the filing fee and *in forma pauperis* requirements of 28
10 U.S.C. §§ 1914 and 1915.

11 **2.** The Clerk's Office is directed to **ENTER JUDGMENT** and **CLOSE**
12 this file.

13 **3.** The Court certifies that any appeal of this dismissal would not be taken
14 in good faith and would lack an arguable basis in law or fact.

15 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
16 provide copies to *pro se* Plaintiff at his last known address.

17 **DATED** this 19th day of May 2022.

18 

19 SALVADOR MENDOZA, JR.
20 United States District Judge